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Date:	January 17, 2013	**No. of Pages (including cover):**	10
To:	Examiner Thomas McEvoy USPTO	**Fax Number:** Contact Number:	571-270-6034
From:	John M. Genova	**Reference No.:**	1103326-0584
Re:	U.S. Patent Application Serial No. 09/380,519		

Dear Examiner McEvoy:

Further to today's telephone discussion, I am sending a proposed response and claim amendment, in draft, to the outstanding final Office Action for discussion on Tuesday, 22 January 2013, at 11:00

Sincerely

John M. Genova
Reg. No. 32,224

Attachment

[W&C (New York) Draft:
January 17, 2013]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	: Petri Horppu et al.
Serial No.	: 09/380,519
Filing or 371(c) date	: 3 September 1999
For	: Mounting Apparatus
Examiner	: Mcevoy, Thomas
Group Art Unit	: 3731

CERTIFICATE OF EFS-WEB TRANSMISSION
I hereby certify that this paper is being transmitted via the Electronic Filing System to the U.S. Patent and Trademark Office on the date indicated below.

Signature Reg. No.

XX January 2013
Attorney's Name Date

Commissioner for Patents
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL
under 37 C.F.R. §1.116

Sir:

Applicants submit this reply to the final Office Action, mailed 13 August 2012, in connection with the referenced application.

Claim amendments begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

AMENDMENT TO THE CLAIMS

This listing of claims will replace all prior versions of claims in the application:

1. (Currently amended) A mounting apparatus for mounting an endless cord which is expandable from a contracted condition to an expanded condition onto an end of a structure having a transverse dimension greater than that of the cord when in the contracted condition, said apparatus comprising a tapered adaptor for the cord to be **completely** propelled over onto the end of the structure,

    wherein the adaptor comprises ~~having~~ a forward smaller end for location in the cord in its contracted condition, ~~and~~ a rear larger end for juxtaposing with the end of the structure **and** [[,]] **a plurality of circumferentially spaced-apart fingers extending from the rear larger end towards the forward smaller end, and wherein the adaptor is provided with a mounting plug extending rearwardly from the rear larger end for mounting the adaptor to the structure and having an outer diameter that is smaller than the outer diameter of the rear larger end,**

    and said apparatus further comprising an expander device movable relative to the adaptor to propel the cord over the adaptor onto the rear larger end thereof,

    wherein ~~the adaptor comprises a plurality of circumferentially spaced-apart fingers which extend from the rear larger end towards the forward smaller end and~~ the expander device has a circumference and comprises a plurality of circumferentially spaced-apart arms insertable between the fingers of the adaptor, and wherein the inner thickness of each arm tapers continuously in a radial direction towards the center of the circumference.

2. (Previously presented) The mounting apparatus as claimed in claim 1, wherein the expander device is operable in a first mode thereof to propel the cord over the adaptor on to the rear larger end thereof and in a second mode thereof to propel the cord from the rear larger end onto the end of the structure.

Claims 3-4 (Cancelled)

5. (Previously presented) The mounting apparatus as claimed in claim 1, wherein the adaptor and the expander device are adapted to mesh with one another to propel the cord over the adaptor to the rear larger end thereof.

6. (Previously presented) The mounting apparatus as claimed in claim 1, wherein the thickness of the circumferentially spaced-apart fingers of the adaptor taper in a radial direction towards the forward smaller end of the adaptor.

7. (Previously presented) The mounting apparatus as claimed in claim 1, wherein the forward smaller end of the adaptor is presented by a central member.

8. (Previously presented) The mounting apparatus as claimed in claim 7, wherein the central member and the fingers of the adaptor are connected to one another.

9. (Previously presented) The mounting apparatus as claimed in claim 2, wherein the expander device includes a tubular section adapted to slide over the adaptor to propel the cord from the rear larger end thereof onto the end of the structure.

Claims 10 – 14 (Cancelled)

15. (Previously presented) A surgical kit comprising a mounting apparatus as claimed in any one of claims 1, 2 or 5-9.

16. (Previously presented) The surgical kit as claimed in claim 15, further comprising a surgical instrument for ligating internal body tissue.

17. (Withdrawn) A method of mounting an endless cord which is expandable from a contracted condition to an expanded condition onto an end of a structure having a transverse dimension greater than that of the cord in its contracted condition comprising the steps of providing a tapered adapter having a forward smaller end and a rear larger end, propelling the cord over the tapered adaptor onto the rear larger end thereof by displacement of an expander-device relative to the adaptor and, when the rear larger end of the tapered adaptor is juxtaposed to the end of the

structure, propelling the cord from the rear larger end of the adaptor onto the end of the structure, wherein said adaptor comprises a plurality of circumferentially spaced-apart fingers which extend from the rear larger end towards the forward smaller end and the expander device comprises a plurality of circumferentially spaced-apart arms insertable between the fingers of the adaptor, and wherein the expander device is first operated in a first mode thereof to propel the cord over the adaptor on to the rear larger end thereof and thereafter in a second mode thereof to propel the cord from the rear larger end onto the end of the structure.

18. (Withdrawn) The method as claimed in claim 17, wherein the arms of the expander device are tapering in a radial direction towards the center.

Claims 19-21 (Cancelled)

REMARKS

I. After Final Consideration Pilot ("AFCP")

Applicants respectfully request the Examiner to exercise his discretion and consider this response after final. It is submitted that the claim amendment places the application in condition for allowance by adding a new limitation which will require only a limited amount of further consideration or search.

II. Petition for Extension of Time

Applicants herewith petition the Commissioner for Patents to extend the time for response to the final Office Action mailed 13 August 2012 for three (3) months from 13 November 2012 to 13 February 2013. Authorization is given to charge the extension of time fee of $1,290.00 (37 C.F.R. §1.136 and §1.17) to Deposit Account No. 23-1703. Any deficiency or overpayment in connection with this communication should be charged or credited to the above-identified Deposit Account.

III. Claim Amendment

Claim 1 has been amended to clarify that the tapered adaptor and expander are configured to completely propel the cord from the rear larger end of the adaptor onto the end of a structure that is juxtaposed to the rear larger end of the adaptor. Support is provided by Figure 1 and the disclosure at page 11, lines 13-19.

Claim 1 has also been amended to recite that the the adaptor is provided with a mounting plug extending rearwardly from the rear larger end for mounting the adaptor to the structure. The mounting plug has an outer diameter that is smaller than the outer diameter of the rear larger end of the adaptor. Specifically, the mounting plug is dimensioned to make a push-fit in an opening of the structure. Support is provided by Figures 5, 8, 13-18 and the disclosure at page 9, line, to page 10, line 5.

Applicants submit that the claim amendments do not introduce new matter.

IV. The Claimed Invention

The claimed invention is directed to a mounting apparatus for mounting a cord onto an end of a structure. Figures 1 and 2 illustrate an embodiment wherein the structure is a surgical instrument.

The structure has an inner front cylinder **1** onto which an elastic cord **2** is mounted. As illustrated, the surgical instrument is used to ligate a hemorrhoid **12** that is sucked into the inner front chamber. As shown in Figure 2, the forward movement of the outer discharge cylinder **3** on the inner front cylinder pushes the elastic cord off the inner front cylinder onto the base of the hemorrhoid to shut off the blood circulation thereto.

As expressly recited by claim 1, the claimed mounting apparatus is designed to cooperate with the structure to achieve the intended purpose and function which is to mount a cord onto the inner front end of the structure.

The claimed mounting apparatus is comprised of a tapered adaptor **14** and an expander device **24**. A mounting plug **20** extends rearwardly from cylindrical body **18** of the tapered adapter and is dimensioned so as to make a push fit in the inner front cylinder of the structure in order to mount the adaptor on the inner front cylinder.

In operation, the expander device pushes the elastic cord onto the forward part of cylindrical body of the adaptor (See Figs. 13-15). The expander device is then withdrawn from the adaptor and turned around. Tube **28** is slid over the cylindrical body of the adaptor to push the elastic cord from the cylindrical body onto the front cylinder of the surgical instrument (See claim 2 and Figs. 16-18). In this way, the elastic cord is positioned on the structure and ready for use.

III. Claim Rejections – 35 U.S.C. §102

a. US 5,632,581

Claims 1, 2, 5-9, 15 and 16 are rejected under 35 U.S.C. §102(b) as being anticipated by US 5,632,581 to Hasada ("Hasada).

Hasada is directed to a clip suitable for connecting two plates or the like together. The clip includes a clip body **1** and a pin **2**. The clip body has a central pin insertion hole **4** for

receiving shaft **14** of the pin. When the pin is fully inserted into the pin insertion hole, the disk-like head **13** of the pin is disposed within the pin head seat **6** formed in the top surface of the flange **3** of the clip body (See col. 5, lines 13-16; Fig. 2).

The Examiner likens clip body **1** and pin **8** to the expander device and tapered adaptor of the claimed invention, respectively.

There is no disclosure by Hasada of using the clip body to pass an elastic cord over the surface of the pin onto a structure. Moreover, the configuration of the clip body and pin would not permit an elastic cord to be completely propelled from the rear larger end of the pin onto a structure. It would be entirely impossible to push the elastic cord past the disc-like head. As such, Hasada fails to disclose the recited feature of claim 1 wherein the tapered adapter has a rear larger end for juxtaposing with the end of a structure onto which the elastic cord is completely propelled from the rear larger end of the tapered adaptor.

Claim 1 also recites that the adaptor is provided with a mounting plug extending rearwardly from the rear larger end for mounting the adaptor to the structure. The mounting plug has an outer diameter that is smaller than the outer diameter of the rear larger end of the adaptor. With reference to Figure 1, Applicants submit that Hasada fails to disclose a mounting plug extending rearwardly from the disk-like head to a structure wherein the mounting plug has an outer diameter that is smaller than the outer diameter of the disk-like head.

Furthermore, with regard to claim 2, there is no disclosure by Hasada that the structure of the clip body and pin is such that they cooperate in a first mode to propel the cord over the surface of the pin onto a rear large end thereof and then in a second mode, wherein the clip body is withdrawn from the pin and turned around, to slide over the pin and push the elastic tube from the rear larger end onto a structure. Firstly, as previously discussed, the disc-like head of the pin would prevent the passage of the elastic cord beyond that point onto any structure juxtaposed to the head. Secondly, the clip body and pin are structurally designed to cooperate when the pin is inserted and driven into the central pin insertion hole **4** to cause segments **9** of legs **5** to expand (See Figs 10 and 11). There is no disclosure or suggestion that the back end of the clip body could slide over the pin surface in a second mode as claimed.

For all of the foregoing reasons, it is submitted that the structure and function of the claimed mounting apparatus are different from the clip disclosed by Hasada. As such Hasada, fails to anticipate. Withdrawal of the §102 rejection of claims 1, 2, 5-9, 15 and 16 is requested.

b. US 4,480,523

Claims 1, 2, 5, 7-9 and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by US 4,480,523 to Oshida ("Oshida").

Oshida is directed to a securing device comprising an outer cylinder **10** and an insertion member **20**. The outer cylinder comprises a cylindrical portion **12** having a bore **11** for receiving the insertion member. The Examiner likens the outer cylinder and insertion member to the expander device and tapered adaptor of the claimed invention.

There is no disclosure by Oshida of using the outer cylinder to pass an elastic cord over the surface of the insertion member onto a structure. Moreover, the configuration of the outer cylinder and insertion member would not permit an elastic cord to be completely propelled from the rear larger end of the insertion member. Specifically, it would be entirely impossible to push the elastic cord past head portion **22** of the insertion member. As such, Oshida fails to disclose the recited feature of claim 1 wherein the tapered adapter has a rear larger end for juxtaposing with the end of a structure onto which the elastic cord is completely propelled from the rear larger end of the tapered adaptor.

Claim 1 also recites that the adaptor is provided with a mounting plug extending rearwardly from the rear larger end for mounting the adaptor to the structure. The mounting plug has an outer diameter that is smaller than the outer diameter of the rear larger end of the adaptor. With reference to Figure 1, Applicants submit that Oshida fails to disclose a mounting plug extending rearwardly from the head portion wherein the mounting plug has an outer diameter that is smaller than the outer diameter of the head portion.

Furthermore, with regard to claim 2, there is no disclosure by Oshida that the structure of the outer cylinder and insertion member is such that they cooperate in a first mode to propel the cord over the surface of the insertion member onto a rear large end thereof and then in a second mode, wherein the outer cylinder is withdrawn from the insertion member and turned around, to slide over the insertion member and push the elastic tube from the rear larger end onto a

structure. Firstly, as previously discussed, the head portion of the insertion member would prevent the passage of the elastic cord beyond that point onto any structure juxtaposed to the head. Secondly, the outer cylinder and insertion member are structurally designed to cooperate when the insertion member is inserted and driven into the hollow cylinder to cause the outer cylinder to spread radially outwardly to secure two plates together. There is no disclosure or suggestion that the back end of the outer cylinder could slide over the insertion member in a second mode as claimed.

For all of the foregoing reasons, it is submitted that the structure and function of the claimed mounting apparatus are different from the clip disclosed by Oshida. As such Oshida, fails to anticipate. Withdrawal of the §102 rejection of claims 1, 2, 5, 7-9 and 15 is requested.

CONCLUSION

Applicants have made a good faith attempt to respond to the Office Action. It is respectfully submitted that claims 1, 2, 5-9, 15 and 16 are in condition for allowance, which action is earnestly solicited.

Any fees due in connection with this response should be charged to Deposit Account No. 23-1703.

Dated: XX January 2013

Respectfully submitted,